

ORDINANCE NO. C-11-40

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12 CENTRAL BEACH DISTRICTS TO PERMIT RESIDENTIAL USES IN A PORTION OF THE ABA DISTRICT; TO PERMIT CERTAIN NON-RESIDENTIAL USES IN A PORTION OF THE ABA DISTRICT AND THE NBRA DISTRICT; TO PERMIT RESTAURANTS WITH OUTDOOR SERVICE IN THE NBRA; AND TO DECREASE THE NUMBER OF HOTEL ROOMS REQUIRED IN ORDER FOR A HOTEL TO HAVE A RESTAURANT AND OTHER SECONDARY USES.

WHEREAS, the North Beach Area is a portion of the Central Beach Area that includes portions of the ABA zoning district and the NBRA districts; and

WHEREAS, permitting residential development with ground floor uses such as restaurants, retail and cultural uses in the portion of the ABA zoning district within the North Beach Area will result in promoting active uses at the street level minimizing the public's visual exposure of parking facilities; and

WHEREAS, permitting nonresidential uses within the North Beach Area that support the existing residential neighborhood will bring more activity to the part of the Central Beach with neighborhood uses; and

WHEREAS, requiring developments with residential uses located on Fort Lauderdale Beach Boulevard (A-1-A) to provide first floor active uses such as restaurant, retail, or cultural uses, will encourage pedestrian scale activity and enhance the public realm experience; and

WHEREAS, establishing uses which encourage a more pedestrian environment with multiple points of interest such as shopping, dining, recreation, entertainment and public spaces for gathering and celebration reinforces the Central Beach as a "world-class destination"; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of October 19, 2011 (PZ Case 6-T-11) found that the new zoning districts and the regulations associated thereto are consistent with the City's Comprehensive Plan and

as the Planning and Zoning Board, did recommend to the City Commission that the amendment to the ULDR is consistent with the City of Fort Lauderdale Comprehensive Plan; and

WHEREAS, notice to the public that consideration of this ordinance would be considered at the City Commission meeting to be held on Tuesday, December 6, 2011 and Tuesday, December 20, 2011 at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 47-12.3., Definitions, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-12.3. Definitions.

A. The following words when used in this section shall, for the purposes of this section, have the following meanings:

...

13. North Beach Area. Those portions of the "North Beach Area" as defined and bounded by State Road A-1-A on the East, the historic property known as Bonnet House on the North, the Intracoastal Waterway on the West and by Bayshore Drive, inclusive of the remainder of the Fort Lauderdale Surf Club Co-op subdivision #504201PY, more specifically described as Lots 11, 12, 13 and the south 100' of Lot 14 of the Birch Estates Plat recorded in PB 24, Page 24 of the public records of Broward County, Florida, on the South.

SECTION 2. That Section 47-12.5. District requirements and limitations, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-12.5. District requirements and limitations.

...

B. A-1-A Beachfront Area (ABA) District.

...

5. List of permitted uses—ABA district.

a. Site Plan Level IV Development.

- i. Hotels and suite hotels.
- ii. Restaurants.
- iii. Moped/scooter rental as a conditional use. See Sec. 47-24.3.

b. Site Plan Level III Development.

- i. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities.
- ii. Parking garages.
- iii. Other uses catering to tourists as approved by the planning and zoning board.
- iv. Residential units alone or together with non-residential uses in that portion of the ABA district located within the North Beach Area subject to the following:

a) A development with residential units shall have on the side of the building facing the street at street level architectural detail and uses such as residential, restaurant, cultural or recreational uses that attract

interaction with the public and minimize visual exposure of parking facilities.

b) A development with residential units abutting Fort Lauderdale Beach Boulevard (A-1-A) must have on the ground floor facing A-1-A non-residential uses that offer goods or services to residents and tourists seeking, restaurant, entertainment, cultural or commercial recreation destinations.

c) In addition to meeting the requirements of a) and b), development with residential units that exceeds 200 feet in height by meeting the provisions of Section 47-12.5.B.6. must include hotel units comprising a minimum of sixty percent (60%) of the total number of units.

c. Site Plan Level II Development with City Commission Request for Review subject to Section 47-26.A.2.

i. In that portion of the ABA district located within the North Beach Area as defined in Section 47-12.3, Definitions,

a) uses provided in Section 47-12.5.1.

...

e. Site Plan Level I Development.

i. Parking lots.

ii. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.

- iii. Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.

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E. North Beach Residential Area (NBRA) District.

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- 4. List of permitted uses—NBRA district.
 - a. Site Plan Level IV Development.
 - i. Hotels, suite hotels.
 - ii. Motels.
 - iii. Restaurants located within a residential high rise structure or hotel ~~provided there is no outdoor service of food or beverage.~~
 - b. Site Plan Level III Development.
 - i. Residential.
 - ii. Accessory commercial retail uses fully confined in a building.
 - c. Site Plan Level II Development with City Commission Request for Review pursuant to Section 47-26.A.2.
 - i. Uses provided in Section 47-12.5.1.
 - ~~e.~~
 - d. Site Plan Level I Development.

- i. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.

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SECTION 3. That Section 47-12.5, District requirements and limitations, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to create a new Section 47-12.5.1, Additional permitted uses, to read as follows:

Sec. 47-12.5.1 List of permitted uses; ABA and NBRA Districts in the North Beach Area. The following neighborhood serving uses are permitted to serve the existing residential and tourist population of the North Beach Area. These uses are intended to provide services and amenities consistent with the quaint neighborhood character.

<u>Permitted Uses (unless otherwise stated herein, the following uses are limited to 2,500 square feet or less. Uses exceeding 2,500 square feet may be approved as a Site Plan Level III).</u>
1. COMMERCIAL RECREATION
a. Indoor Motion Picture Theater (Less than Five Screens)
b. Performing Arts Theater (Less than 300 Seats)
2. FOOD & BEVERAGE SERVICE
a. Bakery Store
b. Bar, Cocktail Lounge
c. Candy, Nuts Store
d. Coffee Shop
e. Delicatessen
f. Food and Beverage Carry-Out, No Drive-Thru
g. Fruit and Produce Store
h. Grocery/Food Store/Gourmet Market (less than 5000 square feet)
i. Ice Cream/Yogurt Store
j. Liquor Store
k. Meat and Poultry Store
l. Restaurant (no limitation in size)
m. Seafood Store

3. RETAIL SALES
a. <u>Antiques Store</u>
b. <u>Apparel/Clothing, Accessories Store</u>
c. <u>Arts & Crafts Supplies Store</u>
d. <u>Art Gallery, Art Studio</u>
e. <u>Bicycle Shop</u>
f. <u>Book Store</u>
g. <u>Camera, Photographic Supplies Store</u>
h. <u>Card & Stationery Store</u>
i. <u>Cigar, Tobacco Store</u>
j. <u>Computer/Software Store</u>
k. <u>Cosmetic, Sundries Store</u>
l. <u>Florist Shop</u>
m. <u>Furniture Store</u>
n. <u>Gifts, Novelties, Souvenirs Store</u>
o. <u>Glassware, China, Pottery Store</u>
p. <u>Hobby Items, Toys, Games Store</u>
q. <u>Holiday Merchandise</u>
r. <u>Jewelry Store</u>
s. <u>Linen, Bath, Bedding Store</u>
t. <u>Luggage, Handbags, Leather Goods Store</u>
u. <u>Music, Musical Instruments Store</u>
v. <u>Newspapers, Magazines Store</u>
w. <u>Office Supplies, Equipment Store</u>
x. <u>Optical Store</u>
y. <u>Party Supply Store</u>
z. <u>Pet Store/Pet Grooming</u>
aa. <u>Shoe Store</u>
4. SERVICES / OFFICE FACILITIES
a. <u>Financial Institution, No Drive-Thru Banks</u>
b. <u>Hair Salon</u>
c. <u>Health and Fitness Center / Spa</u>
d. <u>Instruction: Fine Arts, Sports and Recreation, Dance, Music, Theater</u>
e. <u>Interior Decorator</u>
f. <u>Mail, Postage, Fax Service</u>
g. <u>Nail Salon</u>
h. <u>Photographic Studio</u>
i. <u>Professional Office</u>
j. <u>Travel Agency</u>
5. RESIDENTIAL USES

a. Multifamily Dwelling
6. ACCESSORY USES (See also Sec. 47-19)
a. Catering Services
b. Outdoor Dining and Sidewalk Cafes (See Sec. 47-19.9)

SECTION 4. That Section 47-19.8, Hotel accessory uses, of the ULDR of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 47-19.8. Hotel accessory uses.

...

B. Hotels with more than fifty (50) guest rooms when permitted within a nonresidential district may have, but not be limited to, the following accessory or secondary uses: dining rooms, restaurants, nightclubs, bars, retail stores, personal service shops, patio bars and outdoor food service areas. In the North Beach Area, hotels with more than ten (10) guest rooms when permitted by the zoning district may have, but not be limited to, the following accessory or secondary uses: dining rooms, restaurants, nightclubs, bars, retail stores, personal service shops, patio bars and outdoor food service areas.

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SECTION 5. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 6th day of December, 2011.

PASSED SECOND READING this the 20th day of December, 2011.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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